

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NICHOLAS BERKSMAN,

Plaintiff,

-against-

JOHN WHITEDUCK, et al.,

Defendants.

23-CV-1486 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

As discussed at today's hearing:

- Plaintiff's first motion in limine (to preclude certain testimony of Drs. Gruson and Elkin) is denied as moot;
- Plaintiff's second motion in limine (to preclude statements in the accident report) is granted as to the accident diagram and statement about body damage but denied as to Plaintiff's own statement;
- Plaintiff's third motion in limine (to preclude questioning and extrinsic evidence about Dr. Mandelbaum's alleged fraud) is granted to the extent that no extrinsic evidence is permitted but is otherwise denied (but Plaintiff may renew this motion after the deposition);
- Defendant's first motion in limine (to preclude testimony of Drs. Mandelbaum and Kolb) is denied as moot; and
- Defendant's second motion in limine (to preclude any evidence handled by Neil Bass) is denied.

Plaintiff is ordered to submit a letter indicating "a computation of each category of damages claimed" at trial, if a particular amount of monetary damages will be requested from the jury, by May 8, 2024.

By May 17, 2024, the parties should meet and confer and submit:

- A single Word document with joint proposed voir dire questions,
- A single Word document with joint proposed jury instructions,
- A single Word document with joint proposed verdict sheet.

The parties should note any areas of disagreement in track changes but should endeavor to reduce disagreements as much as possible.


The parties should order a copy of the transcript from today's hearing and have it filed on the docket.

Finally, the parties are reminded that Nicholas Berksman and the principal decisionmaker for the defendants must attend trial.

SO ORDERED.

Dated: May 7, 2024

New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN
United States District Judge